

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division**

In re: Miguel Angel Sosa Avila,

Debtor.

Case No.: 21-50907-FJS
Chapter 13

NOTICE OF MOTION TO DISMISS AND HEARING

PLEASE TAKE NOTICE that Kelly M. Barnhart (the "**Trustee**"), the chapter 13 trustee appointed to serve in the bankruptcy case of Miguel Angel Sosa Avila (the "**Debtor**"), has filed a motion to dismiss case (the "**Motion**"), a copy of which is attached.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant relief sought in the Motion, or if you want the Court to consider your views on the Motion, then you or your attorney must:

File with the Court, at the address shown below, a written response pursuant to Local Rule 9013-1(M)(3) of the Local Rules of Practice of the United States Bankruptcy Court for the Eastern District of Virginia, **BY NO LATER THAN TWENTY-ONE (21) DAYS FROM THE DATE OF SERVICE OF THIS NOTICE. IF YOU WISH TO MAIL YOUR RESPONSE TO THE COURT, MAIL IT EARLY ENOUGH SO THE COURT MAY RECEIVE IT BEFORE EXPIRATION OF THE 21-DAY PERIOD.**

Clerk of Court
United States Bankruptcy Court
600 Granby St., Room 400
Norfolk, VA 23510

You must also send a copy of such response to:

Kelly M. Barnhart
Chapter 13 Trustee
7021 Harbour View Blvd., Suite 101
Suffolk, VA 23435

UNDER LOCAL BANKRUPTCY RULE 9013-1(M)(3), UNLESS A WRITTEN RESPONSE IN OPPOSITION TO THIS MOTION AND SUPPORTING MEMORANDUM ARE FILED WITH THE CLERK OF COURT AND SERVED ON THE MOVING PARTY WITHIN 21 DAYS OF THE SERVICE OF THIS NOTICE, THE COURT MAY DEEM ANY OPPOSITION WAIVED AND TREAT THE MOTION AS CONCEDED.

A HEARING TO CONSIDER THE RELIEF REQUESTED IN THE MOTION IS SCHEDULED FOR FRIDAY, NOVEMBER 22, 2024, AT 10:00 AM (EST) AT UNITED STATES BANKRUPTCY COURT, 2400 WEST AVENUE, NEWPORT NEWS, VIRGINIA 23607.

Kelly M. Barnhart, VSB No. 65246
Chapter 13 Trustee
7021 Harbour View Boulevard, Suite 101
Suffolk, Virginia 23435
Telephone: (757) 233-8294; (757) 226-0287
kbarnhart@kmbch13.com

By: /s/ Kelly M. Barnhart

Kelly M. Barnhart, VSB No. 65246
Chapter 13 Trustee
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Suffolk, Virginia 23435
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MOTION TO DISMISS

Kelly M. Barnhart, the chapter 13 trustee appointed to serve in the above-captioned case, moves for dismissal of this case due to a failure to remit payments as required, and in support thereof states as follows:

1. On December 08, 2021, Miguel Angel Sosa Avila (the "**Debtor**"), filed for bankruptcy relief under chapter 13 of title 11 of the United States Code and relief was afforded.
2. As of October 15, 2024 (the "**Motion Date**"), the Debtor has paid a total of \$56,709.74 as set forth in the Plan filed by the Debtor on April 12, 2024 (the "**Plan**").
3. Pursuant to the Plan, as of the Motion Date, the Debtor should have paid a total of \$60,549.31 to the Trustee for the benefit of creditors.
4. As of the Motion Date, the Debtor is behind on payments due under the Plan totaling \$3,839.57.

Due to the Debtor's failure to remit all payments as required by the Plan, the Trustee seeks dismissal of the Debtor's case and for such other and further relief as this Honorable Court deems just and proper.

By: /s/ Kelly M. Barnhart

Kelly M. Barnhart, VSB No. 65246
Chapter 13 Trustee
7021 Harbour View Blvd., Suite 101
Suffolk, Virginia 23435
Telephone: (757) 233-8294; (757) 226-0287
kbarnhart@kmbch13.com

CERTIFICATE OF SERVICE

I hereby certify that on the 15th day of October, 2024, the foregoing Notice and Motion are being served via the Court's CM/ECF/NextGen system to all registered users who have been designated to receive filings in this case, including counsel for the Debtor, Christian D'Angelo DeGuzman, Esquire.

/s/ Kelly M. Barnhart

Chapter 13 Trustee

Kelly M. Barnhart, VSB No. 65246
Chapter 13 Trustee
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